

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ILLINOIS UNION INSURANCE COMPANY)	CIVIL ACTION
as subrogee of CITY OF LAWRENCE)	
)	NO.04-10475 MLW
Plaintiff,)	
)	
v.)	
)	
THE VIKING CORPORATION)	JURY TRIAL DEMANDED
)	
Defendant.)	

SECOND AMENDED DISCOVERY CONFERENCE REPORT

Pursuant to Fed. R. Civ. P. 26(f), counsel for the parties have conferred regarding proposed amended discovery dates. The parties respectfully submit the following proposed second amended discovery plans.

(1) **Rule 26 Disclosure.** Plaintiff made its initial disclosure, under Rule 26(a)(1) on August 3, 2004. Defendant provided, or offered to provide, all information and documents required by the voluntary disclosures, in its responses to Plaintiff's interrogatories and request for the production of documents served on December 1, 2004.

(2) **Interrogatories and First Request for Production of Documents.** Defendant served its First Set of Interrogatories and its First Request for the Production of Documents to Plaintiff on January 12, 2005 and response and production was to be completed by February 28, 2005. Because the Plaintiff has experienced unanticipated difficulties obtaining all of the necessary information and/or documents to complete its response and production to such requests, the parties agreed that Plaintiff's response and production shall be completed on or before May 1, 2005. *See Amended Discovery Conference Report* dated April 25, 1005. Defendant received from Plaintiff supplemental responses to both the interrogatories and production of documents on April 29, 2005.

(3) **Depositions.** On May 9, 2005, Defendant served on Plaintiff deposition notices for Kevin McCarthy and Gregory Hinchcliffe, employees at the Gerard A. Guilmette School, and a Notice of Rule 30(b)(6) Deposition of the City of Lawrence Fire Department. Plaintiff's counsel agreed to inquire whether he was permitted to accept service on behalf of the Fire Department. To date, Mr. McCarthy's deposition has been scheduled for Wednesday, July 27, 2005 and Mr. Hinchcliffe's deposition has been scheduled for Thursday, July 28, 2005. As such, because Defendant is unwilling to compromise its discovery rights in accordance with the Federal Rules of Civil Procedure, all remaining dates in this report shall each be amended and moved forward to give the parties sufficient time to meet each deadline. The parties represent that this extension will not prejudice any party and will aid in the just, speedy and inexpensive disposition of this action. *See Fed.R.Civ.P Rule 1.*

(4) **Amendment.** The parties agree the Complaint may be amended to add parties until September 30 2005. The parties agree that if the complaint or answer is substantially amended that the deadlines set forth herein may need to be reconsidered.

(5) **Fact Discovery.** Fact discovery be completed on or before November 30, 2005, except that Requests for Admissions may be filed up to and including March 1, 2006. Further, the parties believe, at this time, that they will not need to take more than 10 depositions each, exclusive of expert witnesses.

(6) **Experts.** Plaintiff's trial experts will be designated and preliminary disclosure of information contemplated by Fed. R. Civ. P. Rule 26, for the purposes of mediation shall be provided no later than December 16, 2005, and designation and disclosure be made by the defendant no later than February 3, 2006. In the event that this matter is not resolved through mediation, the parties will serve final expert reports consistent with the requirements of Fed. R. Civ. P. Rule 26 on or before March 31, 2006.

(7) **ADR/Mediation.** ADR/Mediation, either through the court sponsored program or a private mediator, will be completed on or before March 3, 2006.

(8) **Expert Depositions.** All expert depositions shall be completed on or before May 15, 2006.

(9) **Dispositive Motions.** All dispositive motions shall be filed on or before June 16, 2006.

(10) On February 15, 2005, this Court entered an Order concerning the process to preserve the confidentiality of certain information as stipulated and endorsed by the parties.

Respectfully submitted,

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as subrogee of City of Lawrence,
By Its Attorneys,

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Dated: July 26, 2005

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Respectfully submitted,

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By Its Attorneys,

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